

REMARKS

By this amendment, Applicant cancels claims 30–40 and presents new claims 41–51. New claims 41–51 are copied from U.S. Patent Application Serial No. 11/668,124, filed January 29, 2007 (referred to herein as “the ‘124 application”). Applicant reserves the right to pursue the cancelled claims in a continuation or other application. Applicant further notes that a notice of allowability was mailed in the ‘124 application on March 1, 2011 in which the ‘124 application claims 4, 9, 14, 21, 22, and 27–32 were allowed. Those allowed claims from the ‘124 application are copied by this amendment as new claims 41–51.

Pursuant to 37 C.F.R. § 41.202(a), Applicant suggests an interference between the current application (referred to herein as “the ‘605 application”) and the ‘124 application.

(1) Identification of interfering application.

Applicant identifies the interfering application as follows: U.S. Patent Application Serial No. 11/668,124, titled “Device for Defense from Projectiles, Particularly Shaped Charge Projectiles,” filed January 29, 2007 by Stephan Beat Wartmann and Hanspeter Kaufmann (“the ‘124 application”).

(2) Identification of interfering claims, proposed count, and how claims correspond to the count.

Applicant proposes the ‘605 application claim 41 or the ‘124 application claim 4, in the alternative, as the count. The ‘605 application claims 41-51 are copied from the

'124 application claims 4, 9, 14, 21, 22, and 27–32, respectively, and thus, interfere and correspond to the count.

(3) How claims interfere.

The '605 application claim 41 is a copy of the '124 application claim 4 and thus meets the requirements for interfering subject matter under 37 C.F.R. § 41.203(a).

(4) Why applicant will prevail on priority.

Applicant will prevail on priority because Applicant is entitled to at least a priority date of the filing of GB application 0601030.0, filed January 17, 2006, which is more than eleven months prior to the earliest possible priority date for the '124 application. As set forth in Part (6) herein, the '605 application should be accorded the benefit of GB application 0601030.0, filed January 17, 2006, and PCT/GB2007/00329, filed January 17, 2007, because GB application 0601030.0 and PCT/GB2007/00329 each provides a constructive reduction to practice within the scope of the interfering subject matter.

While Applicant does not admit that the '124 application is entitled to claim the benefit of any priority application, Applicant notes that the '124 application's earliest priority claim is to EP application 07405007.1, filed January 10, 2007. Even if the '124 application is accorded the benefit of EP application 07405007.1, Applicant's '605 application is entitled a priority date of at least January 17, 2006, more than eleven months prior to the earliest possible priority date for the '124 application.

(5) Written description support for copied claims.

At least the following identified portions of the '605 application provide written description support for the copied claims:

'605 application claims ['124 application claims]	'605 application support (citations are to the paragraph nos. as set forth in US2009/0217811)
<p>41. [4.] A device for the defense and protection of a vehicle from projectiles in combination with the vehicle, comprising:</p> <p>at least one grille-type protective barrier comprising a netting forming meshes having openings into which the projectiles can enter and positionable alongside the vehicle to reduce the possibility of projectiles impacting the vehicle,</p>	<p>¶ [0001] ("The present invention relates to textile armour and to a textile armour system which may be utilized to protect a vulnerable target, such as a vehicle, building or other object, from damage caused by a shaped-charge warhead, such as a rocket propelled grenade (RPG).").</p> <p>¶ [0008] ("Preferably, the or each textile section comprises a net formed from a plurality of interconnecting net strands. The interconnecting net strands define a net mesh which may be of a variety of different shapes."); ¶ [0007] ("The textile armour according to the present invention is not armour in the conventional sense. Rather, it is specifically intended to be used to defend against shaped-charges, in particular to diminish the effectiveness, or cause deformation, of shaped-charges. As described above, the primary damage inflicted by a shaped-charge warhead, such as an RPG, is not caused by the explosion itself but by the shaped-charge jet which is generated. The primary function of the textile armour is to deform</p>

'605 application claims ['124 application claims]	'605 application support (citations are to the paragraph nos. as set forth in US2009/0217811)
<p>wherein the netting is woven from a plurality of individual members extending generally in a common direction, the members being wires, steel wires, cables, cords and/or synthetic materials or produced from plastic,</p> <p>at least one of the members linking with a first, laterally adjacent one of the members on one side at a plurality of spaced apart locations and linking with a second, laterally adjacent one of the members on an opposite side at a plurality of spaced apart locations to thereby form the woven netting, and</p> <p>wherein the netting forms a plurality of protective barriers for the vehicle and is attached to the vehicle, and</p>	<p>the nose cone of the shaped-charge, thus preventing the shaped-charge jet from forming properly. Furthermore, since the textile armour is intended to be deployed at a distance in the region of 500 mm from the target object which it is protecting, even if the warhead does function, the shaped-charge jet will be partly diffused when it reaches the target object.”)</p> <p>¶ [0008] (“Preferably, the or each textile section comprises a net formed from a plurality of interconnecting net strands. The interconnecting net strands define a net mesh which may be of a variety of different shapes. The net mesh may be square, rectangular, triangular, circular, pentagonal, hexagonal octagonal or a combination of any of these shapes. The foregoing list is not exhaustive and the net mesh may conveniently be of any regular or irregular shape which may be formed into a net.”); ¶ [0011] (“The net strands may conveniently comprise plastic fibres.”); ¶ [0015] (“The net preferably comprises a knotless mesh construction. Alternatively, the net may comprise a woven construction.”); Figure 1.</p> <p>¶ [0017] (“As mentioned above, it is conceivable that if the tip of the nose cone hit directly onto one of the net strands then this may cause the RPG to fire. However, even if this was to happen the textile armour would still provide some protection as it will normally be located at least 50 cm from the target object which it is shielding.</p>

<p>'605 application claims ['124 application claims]</p>	<p>'605 application support (citations are to the paragraph nos. as set forth in US2009/0217811)</p>
<p>wherein the individual protective barriers are formed by netting sections that are bordered by a respective frame such that each of the plurality of protective barriers is bordered by a respective frame and one of the protective barriers is bordered by a first frame of one shape on one side of the vehicle and another one of the protective barriers is bordered by a</p>	<p>Consequently the shaped-charged jet will be formed at least 50 cm from the target and its effectiveness will be decreased.”) ¶ [0028] (“Although the net does not require support to function it is preferred from an operational point of view. It is envisaged that the textile armour will be fitted to armoured personnel carriers (APC) and the like in a similar manner to conventional slat armour.”); ¶ [0023] (“It is preferred that the supporting means comprises a rigid support member. As discussed above, the net only requires minimal support in order to function. However, a rigid support member helps to ensure that the net is held in a "fully extended" manner. The rigid support member may conveniently be a frame structure.”); ¶ [0030] (“According to a second aspect of the present invention, there is provided a textile armour system comprising a plurality of textile sections and a plurality of corresponding supporting means, wherein the arrangement is such that each textile section is fully extended.”)</p> <p>¶ [0024] (“The support member may be of a variety of shapes and its primary function is to suspend the textile section in order to provide a shield for a target object, such as a tank or APC, a building, a stockpile of munitions, a person or persons or anything else which may be subjected to enemy fire. The rigid support member may conveniently be a frame structure. The frame structure may be</p>

'605 application claims ['124 application claims]	'605 application support (citations are to the paragraph nos. as set forth in US2009/0217811)
<p>second, differently shaped frame on another side of the vehicle.</p>	<p>square, rectangular, circular, triangular, arched, pentagonal, hexagonal or any other regular or irregular shape which is capable of supporting a textile section. For example, the frame structure may comprise two upright posts connected by a cross bar.”); ¶ [0028] (“Although the net does not require support to function it is preferred from an operational point of view. It is envisaged that the textile armour will be fitted to armoured personnel carriers (APC) and the like in a similar manner to conventional slat armour. Fitting and replacement of the textile armour will be more easily facilitated if the textile armour is held within a frame. Although the frame need not provide support for the net in disabling RPGs, it must be strong enough to handle the daily wear and tear to which it will be subjected. For example, when it is fitted to an APC it is likely that the frame will be utilised by soldiers to enable them to climb on top of the APC.”); ¶ [0031] (“The plurality of supporting means may conveniently comprise frame structures which may be connected together to form a framework of interconnected support members. The support members offer structural and inertial support for the system. The framework may be anchored to the ground, vehicle or other structure by any suitable means or secured in any other suitable way. The framework must be capable of providing the necessary support under impact from projectiles, such as RPGs. Although the textile armour is capable of disabling an RPG without</p>

'605 application claims ['124 application claims]	'605 application support (citations are to the paragraph nos. as set forth in US2009/0217811)
	<p>support from a frame structure it has been shown that at lower velocities a frame structure can be helpful.”); ¶ [0004] (“Slat armour has been used by both the British Army, on the Warrior APC and the American Army, on the Stryker APC.”). Applicant further submits as Exhibit A, attached hereto, an image dated March 31, 2005 showing a US Army M1126 Stryker Infantry Carrier Vehicle (ICV) with Slat Armor cage ...,” which shows that one skilled in the art would understand that the above disclosure in the '605 application, discloses “each of the plurality of protective barriers is bordered by a respective frame and one of the protective barriers is bordered by a first frame of one shape on one side of the vehicle and another one of the protective barriers is bordered by a second, differently shaped frame on another side of the vehicle,” as recited in the claim.</p>
<p>42. [9.] The device according to claim 4, wherein first and second frames are arranged on opposite sides of the vehicle.</p>	<p>¶ [0028] (“Although the net does not require support to function it is preferred from an operational point of view. It is envisaged that the textile armour will be fitted to armoured personnel carriers (APC) and the like in a similar manner to conventional slat armour. Fitting and replacement of the textile armour will be more easily facilitated if the textile armour is held within a frame.”); Exhibit A, which shows that one skilled in the art would understand that the above disclosure in the '605 application, discloses “first and second frames are arranged on opposite sides of the vehicle,” as recited in the</p>

<p>'605 application claims ['124 application claims]</p>	<p>'605 application support (citations are to the paragraph nos. as set forth in US2009/0217811)</p>
	<p>claim.</p>
<p>43. [14.] The device according to claim 4, wherein at least one of the protective barriers further comprises wires, cables or bars arranged to attach the netting to the vehicle such that the netting is alongside the vehicle, the wires, cables or bars running through meshes at at least one edge of the netting.</p>	<p>¶ [0026] ("It is preferred that the textile section is attached to the supporting member at a plurality of attachment points, and more preferred that the attachment points are evenly spaced along the supporting member."); ¶ [0027] ("The attachment between the textile section and the supporting member may be effected using any suitable attachment means, as will be easily understood by the person skilled in the art. The attachment may be permanent, semi-permanent or breakaway, and each attachment type has different properties which will be selected by the user."); ¶ [0043] ("The net mesh 4 is attached to a frame 7 by any suitable means. The net mesh is attached to the frame 7 at a plurality of points around the inner periphery of the frame 7.").</p>
<p>44. [21.] The device according to claim 4, wherein the members have a coil shape providing the members with a zig-zag path in the common direction.</p>	<p>¶ [0015] ("The net preferably comprises a knotless mesh construction. Alternatively, the net may comprise a woven construction."); Figure 1.</p>
<p>45. [22.] The device according to claim 4, wherein the members are in contact with one another when they link at the plurality of spaced apart locations.</p>	<p>¶ [0015] ("The net preferably comprises a knotless mesh construction. Alternatively, the net may comprise a woven construction."); Figure 1.</p>
<p>46. [27.] The device according to claim 4, wherein all of the protective barriers further comprise wires, cables or bars arranged to attach the netting to the vehicle such that the netting is alongside</p>	<p>¶ [0026] ("It is preferred that the textile section is attached to the supporting member at a plurality of attachment points, and more preferred that the attachment points are evenly spaced along the</p>

<p>'605 application claims ['124 application claims]</p>	<p>'605 application support (citations are to the paragraph nos. as set forth in US2009/0217811)</p>
<p>the vehicle, the wires, cables or bars running through meshes at at least one edge of the netting.</p>	<p>supporting member."); ¶ [0027] ("The attachment between the textile section and the supporting member may be effected using any suitable attachment means, as will be easily understood by the person skilled in the art. The attachment may be permanent, semi-permanent or breakaway, and each attachment type has different properties which will be selected by the user."); ¶ [0043] ("The net mesh 4 is attached to a frame 7 by any suitable means. The net mesh is attached to the frame 7 at a plurality of points around the inner periphery of the frame 7.").</p>
<p>47. [28.] The device according to claim 4, wherein the first and second frames are arranged on adjacent sides of the vehicle, the first and second frames having a common portion.</p>	<p>¶ [0028] ("Although the net does not require support to function it is preferred from an operational point of view. It is envisaged that the textile armour will be fitted to armoured personnel carriers (APC) and the like in a similar manner to conventional slat armour. Fitting and replacement of the textile armour will be more easily facilitated if the textile armour is held within a frame."); ¶ [0031] ("The plurality of supporting means may conveniently comprise frame structures which may be connected together to form a framework of interconnected support members."); Exhibit A, which shows that one skilled in the art would understand that the above disclosure in the '605 application, discloses "the first and second frames are arranged on adjacent sides of the vehicle, the first and second frames having a common portion," as recited in the claim.</p>

<p>'605 application claims ['124 application claims]</p>	<p>'605 application support (citations are to the paragraph nos. as set forth in US2009/0217811)</p>
<p>48. [29.] The device according to claim 4, wherein at least one of the members linked with the first, laterally adjacent member is in direct contact only with that first, laterally adjacent member on that side at the plurality of spaced apart locations and linked with the second, laterally adjacent member is linked in direct contact only with that second, laterally adjacent member on the opposite side at the plurality of spaced apart locations.</p>	<p>¶ [0014] ("Consequently, if a knotted construction is used then it is preferred that the knot is as small as possible to reduce the likelihood of a direct hit occurring."); ¶ [0015] ("The net preferably comprises a knotless mesh construction. Alternatively, the net may comprise a woven construction. In both of these constructions the intersections between nets strands are much less likely to cause a shaped-charge to fire if a direct hit occurs. It is believed that the particular construction of the net does not play any particular role in disabling the shaped-charge. The only consideration for the net construction is that the intersections are as small and "soft" as possible."); Figure 1.</p>
<p>30. The device according to claim 4, wherein the members are linked such that spaces are formed in the netting between the spaced apart locations at which adjacent members are linked to one another, the spaces being defined only by portions of the linked members.</p>	<p>¶ [0014] ("Consequently, if a knotted construction is used then it is preferred that the knot is as small as possible to reduce the likelihood of a direct hit occurring."); ¶ [0015] ("The net preferably comprises a knotless mesh construction. Alternatively, the net may comprise a woven construction. In both of these constructions the intersections between nets strands are much less likely to cause a shaped-charge to fire if a direct hit occurs. It is believed that the particular construction of the net does not play any particular role in disabling the shaped-charge. The only consideration for the net construction is that the intersections are as small and "soft" as possible."); Figure 1.</p>
<p>31. The device according to claim</p>	<p>¶ [0007] ("Furthermore, since the</p>

<p>'605 application claims ['124 application claims]</p>	<p>'605 application support (citations are to the paragraph nos. as set forth in US2009/0217811)</p>
<p>4, wherein the netting is attached to the vehicle at a distance between the netting and the object that reduces damage to the object when the netting is impacted by a projectile.</p>	<p>textile armour is intended to be deployed at a distance in the region of 500 mm from the target object which it is protecting, even if the warhead does function, the shaped-charge jet will be partly diffused when it reaches the target object.”); ¶ [0017] (“As mentioned above, it is conceivable that if the tip of the nose cone hit directly onto one of the net strands then this may cause the RPG to fire. However, even if this was to happen the textile armour would still provide some protection as it will normally be located at least 50 cm from the target object which it is shielding. Consequently the shaped-charged jet will be formed at least 50 cm from the target and its effectiveness will be decreased.”)</p>
<p>32. The device according to claim 4, wherein the frame of each protective barrier comprises at least one elongate cable or bar about which a respective one of the members at the edge of the protective barrier is looped.</p>	<p>¶ [0026] (“It is preferred that the textile section is attached to the supporting member at a plurality of attachment points, and more preferred that the attachment points are evenly spaced along the supporting member.”); ¶ [0027] (“The attachment between the textile section and the supporting member may be effected using any suitable attachment means, as will be easily understood by the person skilled in the art. The attachment may be permanent, semi-permanent or breakaway, and each attachment type has different properties which will be selected by the user.”); ¶ [0043] (“The net mesh 4 is attached to a frame 7 by any suitable means. The net mesh is attached to the frame 7 at a plurality of points around the inner periphery of the frame 7.”).</p>

(6) Constructive reduction to practice.

Applicant should be accorded the benefit of GB application 0601030.0, filed January 17, 2006, and to PCT/GB2007/00329, filed January 17, 2007, because GB application 0601030.0 and PCT/GB2007/00329 each provides a constructive reduction to practice within the scope of the interfering subject matter. The '605 application claims priority to GB application 0601030.0 and to PCT/GB2007/00329. And the specification of the '605 application is substantially identical to the specifications of both the GB application 0601030.0 and PCT/GB2007/00329. Applicant provides the following chart showing where the GB application 0601030.0 and PCT/GB2007/00329 provides a constructive reduction to practice within the scope of the interfering subject matter. Specifically, support for the count, '605 application claim 41 or the '124 application claim 4, in the alternative, is shown.

'605 application claim 41, '124 application claim 4	GB application 0601030.0 and PCT/GB2007/00329
<p>A device for the defense and protection of a vehicle from projectiles in combination with the vehicle, comprising:</p> <p>at least one grille-type protective barrier comprising a netting forming meshes having openings into which the projectiles can enter and positionable alongside the vehicle to reduce the</p>	<p>[Page] 1: [Lines] 3–5 (“The present invention relates to textile armour and to a textile armour system which may be utilised to protect a vulnerable target, such as a vehicle, building or other object, from damage caused by a shaped-charge warhead, such as a rocket propelled grenade (RPG).”).</p> <p>3:4–6 (“Preferably, the or each textile section comprises a net formed from a plurality of interconnecting net strands. The interconnecting net strands define a net mesh which may be of a</p>

<p>'605 application claim 41, '124 application claim 4</p>	<p>GB application 0601030.0 and PCT/GB2007/00329</p>
<p>possibility of projectiles impacting the vehicle,</p> <p>wherein the netting is woven from a plurality of individual members extending generally in a common direction, the members being wires, steel wires, cables, cords and/or synthetic materials or produced from plastic,</p> <p>at least one of the members linking with a first, laterally adjacent one of the members on one side at a plurality of spaced apart locations and linking with a second, laterally adjacent one of the</p>	<p>variety of different shapes."); 2:21–30 ("The textile armour according to the present invention is not armour in the conventional sense. Rather, it is specifically intended to be used to defend against shaped-charges, in particular to diminish the effectiveness, or cause deformation, of shaped-charges. As described above, the primary damage inflicted by a shaped-charge warhead, such as an RPG, is not caused by the explosion itself but by the shaped-charge jet which is generated. The primary function of the textile armour is to deform the nose cone of the shaped-charge, thus preventing the shaped-charge jet from forming properly. Furthermore, since the textile armour is intended to be deployed at a distance in the region of 500 mm from the target object which it is protecting, even if the warhead does function, the shaped-charge jet will be partly diffused when it reaches the target object.")</p> <p>3:4–9 ("Preferably, the or each textile section comprises a net formed from a plurality of interconnecting net strands. The interconnecting net strands define a net mesh which may be of a variety of different shapes. The net mesh may be square, rectangular, triangular, circular, pentagonal, hexagonal octagonal or a combination of any of these shapes. The foregoing list is not exhaustive and the net mesh may conveniently be of any regular or irregular shape which may be formed into a net."); 4:11 ("The net strands may conveniently comprise plastic fibres."); 5:11–12 ("The net preferably</p>

<p>'605 application claim 41, '124 application claim 4</p>	<p>GB application 0601030.0 and PCT/GB2007/00329</p>
<p>members on an opposite side at a plurality of spaced apart locations to thereby form the woven netting, and</p> <p>wherein the netting forms a plurality of protective barriers for the vehicle and is attached to the vehicle, and</p>	<p>comprises a knotless mesh construction. Alternatively, the net may comprise a woven construction.”); Figure 1.</p> <p>5:28–6:1 (“As mentioned above, it is conceivable that if the tip of the nose cone hit directly onto one of the net strands then this may cause the RPG to fire. However, even if this was to happen the textile armour would still provide some protection as it will normally be located at least 50 cm from the target object which it is shielding. Consequently the shaped-charged jet will be formed at least 50 cm from the target and its effectiveness will be decreased.”) 8:15–17 (“Although the net does not require support to function it is preferred from an operational point of view. It is envisaged that the textile armour will be fitted to armoured personnel carriers (APC) and the like in a similar manner to conventional slat armour.”); ¶ 7:18–21 (“It is preferred that the supporting means comprises a rigid support member. As discussed above, the net only requires minimal support in order to function. However, a rigid support member helps to ensure that the net is held in a ‘fully extended’ manner. The rigid support member may conveniently be a frame structure.”); 8:30–9:1 (“According to a second aspect of the present invention, there is provided a textile armour system comprising a plurality of textile sections and a plurality of corresponding supporting means, wherein the arrangement is such that each textile section is fully extended.”)</p>

'605 application claim 41, '124 application claim 4	GB application 0601030.0 and PCT/GB2007/00329
<p>wherein the individual protective barriers are formed by netting sections that are bordered by a respective frame such that each of the plurality of protective barriers is bordered by a respective frame and one of the protective barriers is bordered by a first frame of one shape on one side of the vehicle and another one of the protective barriers is bordered by a second, differently shaped frame on another side of the vehicle.</p>	<p>7:23–30 (“The support member may be of a variety of shapes and its primary function is to suspend the textile section in order to provide a shield for a target object, such as a tank or APC, a building, a stockpile of munitions, a person or persons or anything else which may be subjected to enemy fire. The rigid support member may conveniently be a frame structure. The frame structure may be square, rectangular, circular, triangular, arched, pentagonal, hexagonal or any other regular or irregular shape which is capable of supporting a textile section. For example, the frame structure may comprise two upright posts connected by a cross bar.”); 8:15–22 (“Although the net does not require support to function it is preferred from an operational point of view. It is envisaged that the textile armour will be fitted to armoured personnel carriers (APC) and the like in a similar manner to conventional slat armour. Fitting and replacement of the textile armour will be more easily facilitated if the textile armour is held within a frame. Although the frame need not provide support for the net in disabling RPGs, it must be strong enough to handle the daily wear and tear to which it will be subjected. For example, when it is fitted to an APC it is likely that the frame will be utilised by soldiers to enable them to climb on top of the APC.”); 9:3–10 (“The plurality of supporting means may conveniently comprise frame structures which may be connected</p>

'605 application claim 41, '124 application claim 4	GB application 0601030.0 and PCT/GB2007/00329
	<p>together to form a framework of interconnected support members. The support members offer structural and inertial support for the system. The framework may be anchored to the ground, vehicle or other structure by any suitable means or secured in any other suitable way. The framework must be capable of providing the necessary support under impact from projectiles, such as RPGs. Although the textile armour is capable of disabling an RPG without support from a frame structure it has been shown that at lower velocities a frame structure can be helpful.”); 2:6–8 (“Slat armour has been used by both the British Army, on the Warrior APC and the American Army, on the Stryker APC.”).</p>

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CONCLUSION

In view of the foregoing, it is submitted that the present claims are in condition for allowance. Because the present claims are substantially the same as the currently allowed claims in the '124 application, Applicant respectfully suggests that an interference be declared between the '605 application and the '124 application. If the Examiner has any questions or matters that can be expediently handled by telephone, he or she is encouraged to contact the undersigned at (310) 788-3271.

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